

REMARKS

The Official Action appears to raise some issue with respect to the drawings. In this regard, page 2 of the Official Action notes that this application “admits of illustration by a drawing to facilitate understanding of the invention.” The Official Action then requires the Applicant to furnish a drawing. However, drawings were provided with the application as originally filed and, indeed, were included in the PCT application from which the present application entered the national stage. By way of evidence of the prior submittal of the drawings, it is noted that the present application has published as U.S. Patent Application Publication No. US 2007/0197271 and that the ‘271 publication includes the previously submitted drawings. As such, it is submitted that drawings have previously been furnished and, as such, the issue raised by the Official Action with respect to the drawings is moot.

The Official Action rejected Claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,825,874 to Morris R. Humphreys et al., a published U.K. Patent Application bearing Publication No. GB 2,261,571 to Chao-Ming Yang and U.S. Patent No. 6,603,959 to Andreas Peiker. As described in detail below, independent Claim 1 has been amended to further patentably distinguish the holding device of the claimed invention from the cited references, taken either individually or in combination. In addition, dependent Claims 10, 11 and 14 have been amended and new dependent Claim 15 has been added to highlight other unique aspects of the present invention. Based on the foregoing amendments and the following remarks, reconsideration of the present application and allowance of the current set of claims are respectfully requested.

Independent Claim 1 is directed to a holding device for a mobile telephone that includes a holding surface, a head-holding bracket and a pressing unit. The pressing unit is defined to include an elastic pressing element that is configured to exert, on a foot area of the mobile telephone, a holding F_{hold} that is directed parallel to the longitudinal axis of the mobile telephone when the mobile telephone is held by the holding device. As a result of the holding force, the head area of the mobile telephone is pressed against the head-holding bracket. Independent Claim 1 also recites that the head-holding bracket and a foot-holding bracket are provided to secure the mobile telephone on the holding surface against a force in the transverse direction.

Additionally, the holding device of independent Claim 1 is described to be made of multiple parts and to include an annular holder that includes at least the head-holding bracket with the annular holder being formed, in a plan view, essentially in the form of the frame.

None of the cited references, taken either individually or in combination, teach or suggest the holding device of amended, independent Claim 1. In this regard, none of the cited references teach or suggest a pressing unit having an elastic pressing element which is configured to exert a holding force on the foot area of the mobile telephone that is directed parallel to the longitudinal axis of the mobile telephone while the mobile telephone is held by the holding device. Additionally, none of the cited references teach or suggest that the holding device comprises an annular holder that includes at least the head-holding bracket and that is formed, in a plan view, essentially in the form of a frame.

In this regard, the Humphreys '874 patent is directed to a mobile telephone holder, but the mobile telephone holder has a markedly different mechanical design. In this regard, the mobile telephone holder of the Humphreys '874 patent holds only the foot area of mobile telephone and does not include any type of head-holding bracket for engaging or otherwise securing the head area of the mobile telephone.

Additionally, in order to release the mobile telephone from the mobile telephone holder of the Humphreys' 874 patent, the holder includes two release buttons that must be operated by the user. In response to actuation of the buttons, the latches **112a**, **112b** that had previously engaged the mobile telephone are released and pushers **114a**, **114b** move inward toward one another. The pushers engage the lower corners of the mobile telephone and apply a force that urges the mobile telephone upwards such that a user may then remove the mobile telephone from the holder.

While the mobile telephone is held by the holder of the Humphreys '874 patent, however, there is no holding force applied parallel to the longitudinal axis of the mobile telephone, as is applied by the pressing unit of the holding device of amended independent Claim 1. Instead, it is only upon removal of the mobile telephone from the holder of the Humphreys '874 patent that a force is applied to the mobile telephone that serves to eject the mobile telephone from the holder.

The '571 U.K. Application also describes a holder for a mobile telephone. In contrast to

the Humphreys '874 patent in which the holder merely mechanically engaged a mobile telephone, the '571 U.K. Application is designed to facilitate hands-free operation of the mobile telephone. As such, the holder includes speakers, microphones and the like that cooperate with corresponding components of the mobile telephone to permit the user to operate the mobile telephone in a hands-free mode. Structurally, the holder includes a rack end extension having a hooked member 152 for securing the mobile telephone within the holder. In order to insert a mobile telephone within the holder of the '571 U.K. Application, the rack end extension must be extended and the mobile telephone inserted within the holder. Thereafter, the rack end extension is retracted so as to be positioned near the head end of the mobile telephone. The hooked member is then moved downwardly as indicated by the arrow in Figure 4 so as to be positioned proximate the head end of the mobile telephone.

Thus, the holder of the '571 U.K. Application requires that several steps be taken in order to insert a mobile telephone into the holder or, similarly, to remove the mobile telephone from the holder. In contrast, an objective of the Humphreys '874 patent is to allow easy movement of the mobile telephone into and out of the holder. See, for example, column 2, lines 5-21 of the Humphreys '874 patent. Since the holder of the '571 U.K. Application would complicate the process of inserting the mobile telephone into the holder and removing the mobile telephone from the holder, it is submitted that the '571 U.K. Application teaches away from the design objective of easy accessibility of the mobile telephone put forward by the Humphreys '874 patent. As such, it is submitted that the '571 U.K. Application cannot properly be combined with the Humphreys '874 patent.

Even if the '571 U.K. Application were combined with the Humphreys '874 patent, however, it is submitted that the '571 U.K. Application similarly fails to teach or suggest a pressing unit as set forth by amended independent Claim 1. In this regard, the '571 U.K. Application fails to teach or suggest a pressing unit having an elastic pressing element that is configured to exert a holding force on a foot area of the mobile telephone with the holding force being directed parallel to the longitudinal axis of the mobile telephone while the mobile telephone is held by the holding device, as set forth by amended, independent Claim 1. Indeed, the foot area of the mobile telephone is secured within the holder of the '571 U.K. Application,

but no longitudinally directed holding force is exerted thereon. While the rack end extension is connected to the remainder of the holder by some form of spring, the rack end extension appears to be slightly spaced from the head end of the mobile telephone while the mobile telephone is held within the holder in the embodiment of Figure 3 such that the rack end extension may also fail to apply a holding force parallel to longitudinal axis of the mobile telephone.

As to the third reference, the holder of the Peiker '959 patent is of a significantly different design and, as such, does not include a pressing unit having an elastic pressing element configured to exert a holding force on the foot area of the mobile telephone parallel to longitudinal axis of the mobile telephone while the mobile telephone is held by the holding device, as set forth by amended, independent Claim 1. Indeed, the Official Action does not cite the Peiker '959 patent for this proposition.

As to the holding device comprising an annular holder that includes the head-holding bracket and that is formed, in a plan view, essentially in the form of a frame, the Official Action cites the Humphreys '874 patent. In this regard, the Official Action states "Humphreys et al. teaches ... where the holding device is made of multiple parts and comprises an annular holder (Figure 1B, Element 104) which comprises at least the head-holding bracket, and where the annular holder is formed, in a plan view, essentially in the form of a frame (Figure 2, Element 100)." At the outset, it is noted that the frame of the Humphreys '874 patent is not an annular holder in that the frame of the Humphreys '874 patent is not shaped like a ring. Instead, the frame of the Humphreys '874 patent is at best only semi-annular in that the frame of the Humphreys '874 patent extends about a portion of the mobile telephone, that is, the foot portion of the mobile telephone. Additionally, the Official Action appears to contradict itself in that the initial paragraph of page 4 of the Official Action (quoted above) indicates that the Humphreys '874 patent discloses an annular holder that includes the head-holding bracket, while the very next paragraph states that the Humphreys '874 patent does not disclose a head-holding bracket. As described above, the Humphreys '874 patent does not teach or suggest a head-holding bracket since the Humphreys '874 patent only supports the foot portion of the mobile telephone. Contrary to the assertion in the first paragraph of page 4 of the Official Action and contrary to the definition of the annular holder provided by independent Claim 1, the frame of the

Humphreys '874 patent does not include a head-holding bracket. As to the other cited references, none of the other cited references teach or suggest a holding device comprising an annular holder that includes the head-holding bracket and that is formed, in a plan view, essentially in the form of a frame and, indeed, none of the other references were cited for this proposition.

As described above, none of the cited references teach or suggest a holding device having a pressing unit with an elastic pressing element configured to exert a holding force on a foot area of the mobile telephone that is parallel to longitudinal axis of the mobile telephone while the mobile telephone is held by the holding device. As also described above, none of the cited references teach or suggest a holding device comprising an annular holder that includes the head-holding bracket and that is formed, in a plan view, essentially in the form of a frame. Since none of the cited references individually teach or suggest either of these recitations of amended, independent Claim 1, it logically follows that no combination of the cited references teaches or suggests the holding device of amended, independent Claim 1 for at least these same reasons. As such, the rejection of independent Claim 1, as amended, is overcome.

Since the dependent claims include the recitations of independent Claim 1, the rejections of the dependent claims are also overcome for at least the same reasons as described above in conjunction with amended, independent Claim 1. However, a number of the dependent claims include additional recitations that are not taught or suggested by the cited references, taken either individually or in combination. For example, dependent Claim 10 recites that the pressing unit includes a contact unit which is suitable to electrically couple with a corresponding contact unit of the mobile telephone. Further, dependent Claim 11 recites that the pressing unit comprises a flexible circuit board conductor which is electrically connected to the contact unit. Additionally, new dependent Claim 15 recites that the contact unit is carried by and movable with the pressing unit. None of the cited references, taken either individually or combination, teach or suggest a pressing unit having a contact unit as set forth by dependent Claims 10, 11 and 15 and, as a result, these dependent claims are also patentably distinct from the cited references for at least this additional reason.

Dependent Claim 14 has now also been amended to further define the holding device to

also include a coupling unit which is configured to capacitively and/or inductively couple wireless signals with an antenna of the mobile telephone. The functionality of the coupling unit is described, for example, by paragraph [0037] of the present application as follows:

High-frequency signals which are produced by the mobile telephone 100 in order to be radiated through the antenna 170 of mobile telephone 100 couple inductively and/or capacitively into the coupling unit 230 and are conducted further from it to an external antenna (not shown). Conversely, high-frequency signals which are received by the external antenna can be coupled, with the aid of the coupling unit 230, into the antenna 170 of the mobile telephone 100.

As to the cited references, although the mobile telephone holder of the Humphreys '874 patent is a mechanical fixture for holding the mobile telephone, the Humphreys holder does not include any type of interface for communicating with the mobile telephone. As such, the Humphreys '874 patent fails to teach or suggest any type of "coupling unit which is configured to at least one of capacitively or inductively couple wireless signals with an antenna of the mobile telephone". Indeed, this deficiency of the Humphreys '874 patent was noted by the Official Action in conjunction with the analysis of Claim 14. The '571 U.K. Application also fails to teach or suggest a coupling unit which is configured to capacitively and/or inductively couple wireless signals with an antenna of the mobile telephone, as set forth by dependent Claim 14. While the holder of the '571 U.K. Application includes microphones and loud speakers for communicating with corresponding microphones and speakers of the mobile telephone, the '571 U.K. Application does not teach or suggest any means for either capacitively or inductively coupling wireless signals with an antenna of the mobile telephone.

In contrast to the Humphreys '874 patent and the '571 U.K. Application, the Peiker '959 patent was cited by the Official Action in conjunction with its alleged disclosure of the coupling unit as set forth by dependent Claim 14. The Peiker '959 patent describes a holder having a contact unit 7 that is designed to make electrical contact with an interface 30 of the mobile telephone such that the mobile telephone is effectively, electrically connected to a cable 8 extending from the holder. While the contact unit 7 makes a physical electrical connection, the contact unit 7 is not described to provide any type of capacitive and/or inductive connection for

wireless signals with the antenna of the mobile telephone, as set forth by dependent Claim 14. The holder of the Peiker '959 patent also includes a tab **13** that is configured to engage a recess proximate the head end of the mobile telephone as described, for example, in column 3, lines 46-49 of the Peiker '959 patent. In addition, the Official Action takes the position that the engagement of the tab **13** of the holder with the recess **31** in the head region of the mobile telephone constitutes a coupling unit as set forth by dependent Claim 14. Notably, the engagement of the tab **13** of the holder of the Peiker '959 patent with the recess **31** of the mobile telephone is a mechanical connection that facilitates the proper positioning of the mobile telephone within the holder. However, the engagement of the tab **13** of the Peiker holder with the recess **31** of the mobile telephone does not provide any mechanism for capacitively or inductively coupling wireless signals with an antenna of the mobile telephone. Indeed, the tab **13** is not described to provide any type of electrical connection. As such, the Peiker '959 patent also fails to teach or suggest a coupling unit which is configured to capacitively and/or inductively couple wireless signals with an antenna of the mobile telephone, as set forth by dependent Claim 14.


As described above, none of the cited references, taken either individually or combination, teach or suggest a coupling unit that is configured to capacitively and/or inductively couple wireless signals with an antenna of the mobile telephone as set forth by dependent Claim 14 and, as a result, dependent Claim 14 is also patentably distinct from the cited references for at least this additional reason.

CONCLUSION

In view of the amendments and the remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Guy R. Gosnell
Registration No. 34,610

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

LEGAL02/31234514v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE
UNITED STATES PATENT & TRADEMARK OFFICE ON April 27, 2009 by Gwen Frickhoeffer.